

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

V.

JOSHUA GRANT

ORDER OF DETENTION PENDING TRIAL

Case Number: 1:12-CR-132

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ☒ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☒ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the safety of the community.

Alternate Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant has been a member of the Holland Latin Kings (HLK) all of his adult life. Substantial evidence introduced at the hearing shows that HLK worked collectively to sell controlled substances (e.g., marijuana and cocaine) and are quite willing to use threats and acts of violence to protect their "turf." In order to become a general member of HLK (i.e., brother), potential members must serve a probationary period during which they are expected to carry out crimes of violence such as drive-by shootings, drug dealings, arson, etc. Each chapter (there are two in Holland) has an Enforcer responsible for the "security" of every other member of the chapter. Accordingly to the indictment found by the (continued on attachment)

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that

no condition or combination of conditions will assure the safety of the community based upon the un rebutted presumption. The government proved that the Latin Kings are a gang which is willing to use violence to protect its turf and discipline its members and that Grant, as an Enforcer, is a key member in inflicting that violence. Defendant has shown nothing to rebut this presumption. In the alternative, however, the same proofs establish by clear and convincing (continued on attachment)

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: February 21, 2013

/s/ Hugh W. Brenneman, Jr.

Signature of Judicial Officer

Hugh W. Brenneman, United States Magistrate Judge

Name and Title of Judicial Officer

Alternate Findings (B) - (continued)

grand jury, the Enforcer ensures that the HLK hierarchy is obeyed and may carry out the orders of the chapter's leaders by such methods as drive-by shootings and assaults. He is responsible for maintaining the chapter's firearms. Defendant Grant is an Enforcer, in other words the point of the spear. Photographs introduced at the detention hearing show that he is an enthusiastic member of the gang as evidenced by his use of signs and symbols.

Defendant, age 24, was born in Grand Rapids and has family in West Michigan. He has a spotty employment record at best. His criminal history shows that he has been convicted of 11 separate offenses during the last decade, many of them violent in nature or involving alcohol. Defendant has violated probation on three occasions and failed to report on another. There is a pending case in Holland, MI, where he was alleged to have been carrying a knife and a stick, and smashed the window of another car.

The grand jury found probable cause to believe that on March 1, 2012, defendant with two others assaulted a former HLK member, Robert Solano, in Holland, for violating HLK's rules.

On July 14, 2012, two confidential informants identified defendant as being one of five persons in a car who were seeking our rival members of the Vatos Locos gang to shoot.

Part II - Written Statement of Reasons for Detention - (continued)

evidence without the presumption that there is no condition or combination of conditions that will assure the safety of the community, since it is in the nature of the Latin Kings to intimidate and that the Enforcer is a person who is responsible for doing the intimidating. Defendant Grant is an Enforcer and his track record shows that he is willing to be violent and has been in recent months. There is no evidence to suggest he would be otherwise if placed back in the community.